

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

LARRY COLEMAN HICKS	§	
v.	§	CIVIL ACTION NO. 6:18cv598
KARL GENTRY, ET AL.	§	

MEMORANDUM ORDER OVERRULING PLAINTIFF’S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

The Plaintiff Larry Hicks, a prisoner of the Smith County Jail proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court referred the matter to the Honorable John D. Love, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court.

After review of the pleadings, the magistrate judge recommended dismissal of the lawsuit because the claims raised by the Plaintiff duplicate claims presented in prior lawsuits. The court has received and considered the Report and Recommendation of the United States Magistrate Judge, along with the record, pleadings and all available evidence.

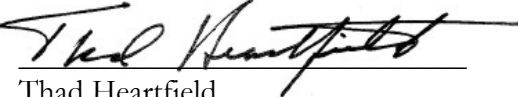
Plaintiff filed objections to the magistrate judge’s Report and Recommendation stating that the magistrate judge “refer[s] to many admonishments that I have not received, and you, Your Honor, cannot say that I have, due to the signature card never having been returned, therefore, your order in 6:18cv598 is moot.” The cover letter reads “please deliver the enclosed objection in civil action number 6:18cv598 directly through all appropriate offices to the Honorable John D. Love, U.S. Magistrate.” No signature card was returned for the magistrate judge’s Report and Recommendation although it is obvious that Plaintiff received a copy of it, and Plaintiff does not address the magistrate judge’s conclusion that this lawsuit duplicates prior litigation and thus should be dismissed as malicious.

The court conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes Plaintiff's objections lack merit.

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The Plaintiff Larry Coleman Hicks is hereby **WARNED** that the future filing of repetitive lawsuits may result in the imposition of sanctions, monetary or otherwise, in accordance with Fed. R. Civ. P. 11. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations. All motions not previously ruled upon are hereby **DENIED**.

SIGNED this the **15** day of **May, 2019**.


Thad Heartfield
United States District Judge